



MAJOR BOYD WHITLEY,

Plaintiff,

Case Number: 1:19-cv-00358-TDS-JLW

Plaintiff's RESPONSE TO DEFENDANTS

RESPONSE FOR SUMMARY JUDGMENT

SHERIFF VAN SHAW, et al.

Defendant(s)

IN AND FOR THE RECORD!

I MAJOR BOYD WHITLEY, in propria person sui iuris do appear specially and not generally. I did reach majority and do state the following.

I am a natural person.

MAJOR BOYD WHITLEY is a legal corporate entity.

et the record reflect! see complaint with exhibits that was filed APR-1-2019.

That through grievance procedure that the plaintiff brought to the defendant's attention how the Cabarrus county detention center was violating his First amendment right to practice his religion.

Plaintiff has been deprived of his religious beliefs rights guaranteed by constitution, and that this deprivation resulted from conduct committed by defendants acting under color of state law. See West v. Atkins, 487 U.S. 42, 48, 108 S.Ct 2250, 101 L.Ed.2d 40 (1988). Personal involvement in deprivation of constitutional rights is prerequisite to award of damages, but defendant may be personally involved in constitutional deprivation by direct participation, failure to remedy wrongs after learning about it, creation of a policy or custom under which unconstitutional practices occur or gross negligence in managing subordinates who cause violation. (Gallegos v. Haggerty, N.D. of New York, 689 F. Supp. 93 (1988).

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In plaintiff lawsuit, he suing Lieutenant W. Wallace for his personal involvement in deprivation of plaintiff constitutional right, likewise plaintiff suing Captain M. Nesbitt for his personal involvement in deprivation of plaintiff constitutional right. Let the record reflect see exhibits of grievances that was filed with plaintiff complaint, plaintiff did try to seek resolution first with the jail and defendants which all plaintiff requests was denied. Plaintiff is suing Sheriff Van Shaw for injunctive relief in his official capacity concerning the policy here at Cabarrus County Detention Center that prisoners religion belief be treated equal. That the ^{Jail} respect the Kosher diet for the Hebrew Israelites and Jews, Jail provide vegan for the people who don't eat meat, Jail don't serve pork to accommodate the muslim, even respect ramadan the month muslim people fast. The jail provide a christmas meal for the Christianity beliefs. Jail have reach out to mosque to provide copies of the Koran, Jail allow the Gideons to have Bible study and pass out Bibles. Plaintiff tried to reach out to defendants and the Jail to get accommodat for his Hebrew Israelite belief but was denied. Plaintiff has request to defendants concerning his religious Book of Yahweh, asking the to contact the House of Yahweh for the Book of Yahweh which defendants refused. Plaintiff request Kosher diet so he can keep the passover new moon April 1-14, Were he can not eat bread with yeast, once again defendants denied plaintiff request, by trying force vegan diet which by way that have bread with yeast in it. Defendants through act or omission put substantial pressure on plaintiff to modify his behavior and violate his beliefs. Move over the Jail only allow inmates who follow the christianity beliefs use the classroom for their Bible study class.

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Even though the procedure with Gideons was changed, Plaintiff had to hear that he was going to Hell for not praying to Gideons God Jesus from August, 2018, to May, 2019. Plaintiff informed Jail staff of his religious beliefs on date of 7-31-2018. 19:22 booking officer J.S. Torres, See Exhibit document-22 filed on date 10-24-2019. Plaintiff submitted grievances informing defendants how he was being antagonized by Christianity preaching, Defendants refuse to remove Plaintiff out the pod. Which caused Plaintiff mental and emotional injury. Plaintiff requests the court to grant Plaintiff summary judgment and lawsuit hold the defendants accountable for violating Plaintiff first amendment rights to practice his religious beliefs.

Respectfully Submitted /s/ Maje Whitely
Date 12-31-2019.

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